

**REMARKS**

Claims 1-33 are currently pending, wherein claims 1, 13, 20, and 31 are independent. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

On page 2 of the Office action ("Action"), the Examiner rejects claims 1-4, 10, 11, 13-16, 20-23, 28, 29, and 31-33 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0035355 to Morishima ("Morishima"). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 102, the cited reference must teach every claimed element. In the present case, claims 1-4, 10, 11, 13-16, 20-23, 28, 29, and 31-33 are patentable over Morishima because Morishima fails to disclose reading recommended write strategy parameters and recommended asymmetry value *from an optical recording medium* on which the recommended write strategy parameters and recommended asymmetry value have been recorded or determining a write strategy and an asymmetry value to be used in recording, based on recommended write strategy parameters and the recommended asymmetry value and characteristics of the optical system as claimed.

In the Action, the Examiner asserts that Morishima teaches reading recommended write strategy parameters and/or a recommended asymmetry value from an optical recording medium. To support this assertion, the Examiner points to Fig. 1-4 and paragraphs [0044] and [0048] of Morishima. Although Morishima discloses reading a record strategy from the optical disk writing apparatus memory 10, nowhere in Morishima is there any disclosure of reading a record strategy from the optical disk itself. As clearly discussed in paragraph [0037] of Morishima the

record strategy for each of a plurality of disk types is prepared and stored in the memory of the optical disk recording/reproducing apparatus, not the optical disk itself as claimed.

The Examiner further asserts that Morishima teaches determining a write strategy and an asymmetry value to be used in recording, based on recommended write strategy parameters and the recommended asymmetry value and characteristics of the optical system in paragraphs 42 and 46. However, there is no reference at all to characteristics of the optical system in paragraph 42, and the “characteristics of the jitter value relative to the asymmetry value  $\beta$ ” referred in paragraph 46 is obtained by measuring the physical property of the signal reproduced from the disk. In contrast, the claimed “characteristics of the optical system” refers to data representing characteristics relating to the elements of the optical system stored in the optical recording device, such as the wavelength of the laser beam, the numerical aperture of the objective lens, and/or constants for various calculations (see page 10, lines 18-20 of the Specification).

Independent claims 1, 13, 20 and 31 each recite reading/means for reading recommended write strategy parameters from an optical recording medium (i.e. the optical disk). Therefore, claims 1, 13, 20, and 31 are patentable over Morishima because Morishima fails to disclose each and every claimed element.

Claims 2-4, 10, 11, 14-16, 21-23, 28, 29, 32, and 33 variously depend from independent claims 1, 13, 20, and 31. Therefore, claims 2-4, 10, 11, 14-16, 21-23, 28, 29, 32, and 33 are patentable over Morishima for at least those reasons presented above with respect to claims 1, 13, 20, and 31. Reconsideration and withdrawal of the rejection of claims 1-4, 10, 11, 13-16, 20-23, 28, 29, and 31-33 under 35 U.S.C. § 102 is respectfully requested.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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